

REFERENCE TITLE: service animals; certification; registration; identification

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1166

Introduced by
Senators McGuire, Miranda, Dalessandro, Hobbs, Kavanagh; Representative
Andrade

AN ACT

AMENDING SECTION 11-1024, ARIZONA REVISED STATUTES; AMENDING TITLE 11,
CHAPTER 7, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION
11-1024.01; RELATING TO SERVICE ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1024, Arizona Revised Statutes, is amended to
3 read:

4 11-1024. Service animals; rights of individuals with
5 disabilities; violation; classification; definitions

6 A. Any person or entity that operates a public place shall not
7 discriminate against individuals with disabilities who use service animals if
8 the work or tasks performed by the service animal are directly related to the
9 individual's disability. Work or tasks include assisting individuals who are
10 blind or have low vision with navigation and other tasks, alerting
11 individuals who are deaf or hard of hearing to the presence of people or
12 sounds, providing nonviolent protection or rescue work, pulling a wheelchair,
13 assisting an individual during a seizure, alerting individuals to the
14 presence of allergens, retrieving items such as medicine or the telephone,
15 providing physical support and assistance with balance and stability to
16 individuals with mobility disabilities and helping individuals with
17 psychiatric and neurological disabilities by preventing or interrupting
18 impulsive or destructive behaviors. The crime deterrent effects of an
19 animal's presence and the provision of emotional support, well-being, comfort
20 or companionship do not constitute work or tasks.

21 B. It is not discriminatory to exclude a service animal from a public
22 place if one or more of the following apply:

23 1. The animal poses a direct threat to the health or safety of others.

24 2. The animal fundamentally alters the nature of the public place or
25 the goods, services or activities provided.

26 3. The animal poses an undue burden.

27 4. THE ANIMAL IS OUT OF CONTROL AND THE ANIMAL'S HANDLER DOES NOT TAKE
28 EFFECTIVE ACTION TO CONTROL THE ANIMAL.

29 5. THE ANIMAL IS NOT HOUSEBROKEN.

30 C. Public places may maintain a general no pets policy if it is not
31 used to exclude service animals and if it does not grant rights to any person
32 to bring the person's pet into a public place that otherwise does not permit
33 pets.

34 D. A SERVICE ANIMAL MUST BE UNDER THE CONTROL OF THE SERVICE ANIMAL'S
35 HANDLER AND MUST HAVE A HARNESS, LEASH OR OTHER TETHER, UNLESS EITHER THE
36 HANDLER IS UNABLE BECAUSE OF A DISABILITY TO USE A HARNESS, LEASH OR OTHER
37 TETHER OR THE USE OF THE HARNESS, LEASH OR OTHER TETHER WOULD INTERFERE WITH
38 THE SERVICE ANIMAL'S SAFE, EFFECTIVE PERFORMANCE OF WORK OR TASKS, IN WHICH
39 CASE THE SERVICE ANIMAL MUST BE OTHERWISE UNDER THE HANDLER'S CONTROL BY
40 VOICE CONTROL, SIGNALS OR OTHER EFFECTIVE MEANS.

41 D. E. A service ~~animal~~ ANIMAL'S handler is liable for any damage done
42 to a public place by the service animal or service animal in training.

43 E. F. Any trainer or individual with a disability may take an animal
44 being trained as a service animal to a public place for purposes of training
45 it to the same extent as provided in subsections A, B and C of this section.

1 ~~F.~~ **G.** A zoo or wild animal park may prohibit a service animal,
2 including a dog guide or service dog, from any area of the zoo or wild animal
3 park where the service animal may come into direct contact with the animals
4 contained in the zoo or wild animal park. Service animals shall not be
5 excluded from public walkways or sidewalks or from any area that allows for
6 physical barriers between the service animals, dog guides or service dogs and
7 the animals in the zoo or wild animal park. Any zoo or wild animal park that
8 prohibits dog guides and service dogs shall provide without cost adequate
9 facilities for the temporary confinement of dog guides and service dogs. The
10 facilities shall be adequate to accommodate the anticipated attendance of
11 legally blind, ~~—~~ deaf **PERSONS** or persons with physical disabilities, shall be
12 in an area not accessible to the general public, shall provide water for the
13 dog guides and service dogs and shall otherwise be safe, clean and
14 comfortable. The zoo or wild animal park on request by a legally blind
15 person who is required to leave that person's dog guide or service dog
16 pursuant to this subsection shall provide a sighted escort if the legally
17 blind person is unaccompanied by a sighted person.

18 **G.** H. The driver of a vehicle approaching a legally blind pedestrian
19 who is carrying a cane that is predominately white or metallic in color, who
20 is using a service animal or who is assisted by a sighted person shall yield
21 the right-of-way and take reasonable precautions to avoid injury to the
22 pedestrian and the service animal. The pedestrian has the same rights as any
23 other person whether or not the pedestrian is carrying the cane, using a
24 service animal or being assisted by a sighted person. Drivers shall take the
25 same precautions with respect to pedestrians who have a disability other than
26 blindness and their service animals. A driver who violates this subsection
27 is liable for damages for any injury caused to the pedestrian or the service
28 animal.

29 **I. IT IS UNLAWFUL FOR A PERSON TO FALSELY OR FRAUDULENTLY CLAIM,**
30 **THROUGH VERBAL OR WRITTEN NOTICE, TO BE THE OWNER OR TRAINER OF A SERVICE**
31 **ANIMAL.**

32 ~~H.~~ **J.** Any person or entity that violates **subsections SUBSECTION A,**
33 ~~through G~~ **B, C, D, E, F, G, H OR I** of this section is guilty of a class 2
34 misdemeanor.

35 ~~I.~~ **K.** This section is not intended to affect any civil remedies
36 available for a violation of this section.

37 ~~J.~~ **L.** For the purposes of this section:

38 1. "Direct threat to the health or safety of others" means that a
39 significant risk to the health or safety of others exists and cannot be
40 eliminated by modification of policies, practices or procedures or by the
41 provision of auxiliary aids or services.

42 2. "Discriminate" means discriminatory actions prescribed in section
43 41-1492.02 and includes:

1 (a) Refusing to permit an individual with a disability to enter a
2 public place with a service animal or interfering with the individual's right
3 to enter or use the public place.

4 (b) Failing to provide an individual with a disability the same
5 services and access to the same areas of the premises as afforded to others.

6 (c) Attempting to impose a charge, fee or deposit because an
7 individual with a disability is accompanied by a service animal.

8 (d) Requiring an individual with a disability to disclose disability
9 related information. However, a public accommodation may ask if the animal
10 is a service animal being used because of a disability **OR WHAT WORK OR TASK**
THE SERVICE ANIMAL HAS BEEN TRAINED TO PERFORM.

12 ~~(e) Requiring provision of identification for the service animal.~~

13 3. "Individual with a disability" means an individual who has a
14 physical or mental impairment that substantially limits one or more of the
15 major life activities of the individual.

16 4. "Public place" means any office or place of business or recreation
17 to which the general public is invited, whether operated by a public or
18 private entity and includes all forms of conveyance, including taxis, tow
19 trucks and ambulances.

20 5. "Service animal" means any dog or miniature horse that is
21 individually trained **AND CERTIFIED** to do work or perform tasks for the
22 benefit of an individual with a disability, including a physical, sensory,
23 psychiatric, intellectual or other mental disability. Service animal does
24 not include other species of animals, whether wild or domestic or trained or
25 untrained.

26 6. "Wild animal park" means an entity that is open to the public on a
27 regular basis, that is licensed by the United States department of
28 agriculture as an exhibit and that is operating primarily to conserve,
29 propagate and exhibit wild and exotic animals.

30 Sec. 2. Title 11, chapter 7, article 6.1, Arizona Revised Statutes, is
31 amended by adding section 11-1024.01, to read:

32 11-1024.01. Service animals: certification and registration;
33 identification; definitions

34 A. A SERVICE ANIMAL SHALL BE CERTIFIED BY AND REGISTERED WITH A
35 STATEWIDE OR NATIONWIDE SERVICE ANIMAL REGISTRATION ORGANIZATION THAT
36 REQUIRES AT LEAST ONE YEAR OF INITIAL TRAINING AND ANNUAL TESTING TO MAINTAIN
37 CERTIFICATION AND REGISTRATION WITH THE ORGANIZATION.

38 B. A SERVICE ANIMAL IN A PUBLIC PLACE SHALL WEAR A VEST THAT DISPLAYS
39 THE FOLLOWING INFORMATION:

- 40 1. THE NAME OF THE PERSON WHO TRAINED THE SERVICE ANIMAL.
- 41 2. THE NAME OF THE ORGANIZATION THAT CERTIFIED THE ANIMAL AS A SERVICE
42 ANIMAL.
- 43 3. THE REGISTRATION NUMBER PROVIDED BY THE ORGANIZATION THAT CERTIFIED
44 THE ANIMAL AS A SERVICE ANIMAL.

1 C. A SERVICE ANIMAL'S HANDLER SHALL CARRY A SERVICE ANIMAL
2 IDENTIFICATION CARD WHEN IN A PUBLIC PLACE WITH A SERVICE ANIMAL. THE
3 IDENTIFICATION CARD SHALL CONTAIN THE FOLLOWING:

- 4 1. THE WORDS "CERTIFIED SERVICE ANIMAL".
5 2. A PHOTOGRAPH OF THE SERVICE ANIMAL.
6 3. THE NAME OF THE SERVICE ANIMAL.
7 4. THE NAME OF THE SERVICE ANIMAL'S HANDLER.
8 5. THE REGISTRATION NUMBER PROVIDED BY THE ORGANIZATION THAT CERTIFIED
9 THE ANIMAL AS A SERVICE ANIMAL.

10 D. FOR THE PURPOSES OF THIS SECTION, "PUBLIC PLACE" AND "SERVICE
11 ANIMAL" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 11-1024.